

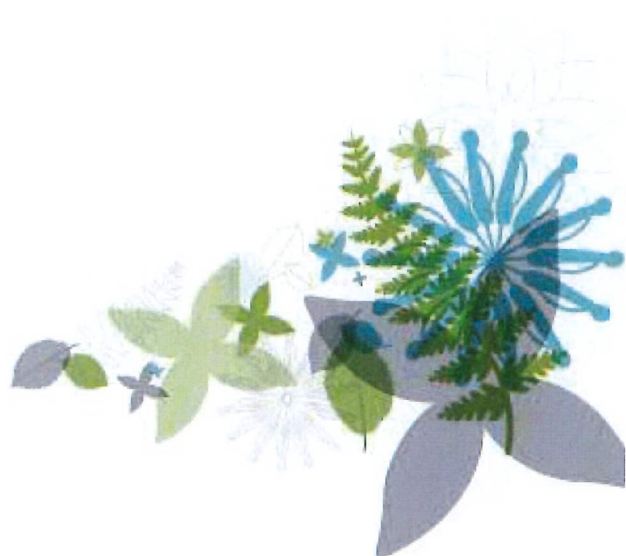
Colac Otway
SHIRE

PLANNING COMMITTEE MEETING

MINUTES

Wednesday 4 December 2024

at 4:00 PM



COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

Wednesday 4 December 2024

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COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

MINUTES of the *PLANNING COMMITTEE MEETING OF THE COLAC OTWAY SHIRE COUNCIL* held at COPACC on Wednesday 4 December 2024 at 4:00 PM.

MINUTES

1 DECLARATION OF OPENING OF MEETING

OPENING PRAYER

*Almighty God, we seek your
blessing and guidance in our
deliberations on behalf of the
people of the Colac Otway Shire.
Enable this Council's decisions to be
those that contribute to the true
welfare and betterment of our community.*

AMEN

2 PRESENT

Cr Jason Schram (Mayor)
Cr Phil Howard (Deputy Mayor)
Cr Chris Potter
Cr Zoe Hudgell
Cr Charlie Buchanan
Cr Mick McCrickard
Cr Chrissy De Deugd

Anne Howard, Chief Executive Officer
Andrew Tenni, General Manager Corporate Services
Ian Seuren, General Manager Community and Economy
Steven O'Dowd, Manager Governance, Customer and Communications
Matilda Hardy-Smith, Coordinator Council Business
Dianne Cornish, Council Business Officer
Christine Ferguson, State Government Appointed Monitor

3 APOLOGIES

Doug McNeill, General Manager Infrastructure and Operations

4 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past, present and emerging.

RECORDING AND PUBLICATION OF MEETINGS

Please note: All Council meetings are live streamed and recorded when the meeting is held either at COPACC or online. This includes the public participation sections of the meetings. When meetings are held in other locations, Council will endeavour to make an audio recording of the meeting for community access. Matters identified as confidential items in the Agenda will not be live streamed or recorded regardless of venue or mode.

By participating in open Council meetings, individuals consent to the use and disclosure of the information they share at the meeting (including any personal and/or sensitive information).

As soon as practicable following each open Council meeting, the live stream recording will be accessible on Council's website. Audio recordings are also taken to facilitate the preparation of the minutes of open Council meetings and to ensure their accuracy. Recordings will be retained by Council for a period of four years.

This meeting was livestreamed to the public via Council's YouTube channel (search Colac Otway Shire Council at www.youtube.com).

5 DECLARATIONS OF INTEREST

Cr Jason Schram	Material	Item 7.2 – PA2403244 – 170 Ondit-Warrion Road, Ondit – Notification of Application for Expansion of Quarry	Company is employed by the Quarry.
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6 CONFIRMATION OF MINUTES

RESOLUTION

That the Planning Committee confirm the minutes of the Unscheduled Planning Committee Meeting held on 30 July 2024.

CARRIED 7 : 0

Item: 7.1

**EXT15/2022-2 - 70 Triggs Road IRREWARRA -
PP268/2006-1**

ADDRESS AND PROPERTY DETAILS	70 Triggs Road, Irrewarra (Lot 1 TP427808)	APPLICATION NUMBER	EXT15/2022-2 (PP268/2006)
PROPOSAL	Use and Development of a Dwelling and Sheds		
PERMIT TRIGGERS	Clause 35.07-1 – Use of Land for Dwelling – FZ Clause 35.07-4 – Buildings and Works – FZ		
TRIGGER FOR DETERMINATION BY COMMITTEE	Recommendation to refuse to extend a planning permit where works commenced lawfully, but the works have not been completed prior to the expiry of the permit. (In this case a shed has been constructed, but no work has been undertaken on the dwelling.)		
ZONE	Farming Zone	OVERLAYS	Nil
COVENANTS	Nil		
CULTURAL HERITAGE	N/A		
OFFICER	Ian Williams	CEO	Anne Howard
DIVISION	Planning and Strategic Focus		
ATTACHMENTS	<ol style="list-style-type: none"> 1. PP268/2006 - Planning Permit [7.1.1 - 2 pages] 2. PP268/2006-1 - Endorsed Plans [7.1.2 - 10 pages] 3. PP268/2006-1 - Location Plan [7.1.3 - 1 page] 		

RECOMMENDATION

That Council's Planning Committee resolves to refuse to issue a further extension to planning permit PP268/2006-1 having regard to the length of time that has elapsed since the original permit was issued, on the basis that the permit is being warehoused and to ensure any planning permit for a dwelling on the land has regard to current legislation and standards.

RESOLUTION

Moved Cr Howard, Seconded Cr Buchanan

That Council resolves to:

- a) Defer consideration of the application for an extension of time to planning permit PP268/2006-1.*
- b) Invite the owner to apply to amend the permit, to ensure that permit conditions require compliance with current legislation and standards.*
- c) In the event an amendment application is submitted, authorise officers to extend planning permit PP268/2006-1 if the amendment application is allowed.*
- d) In the event an amendment application is not submitted by the end of March 2025, or the amendment application is not allowed, reconsider the extension of time application before the end of April 2025.*

CARRIED 7 : 0

Item: 7.2

**PA2403244 - 170 Ondit-Warrion Road, Ondit –
Notification of Application for Expansion of Quarry**

ADDRESS AND PROPERTY DETAILS	170 Ondit-Warrion Road, Ondit Lot 6 PS 008005	APPLICATION NUMBER	PA2403244
PROPOSAL	Use and Development for Extractive Industry (Hard Rock Quarry) and Associated Works, Including Native Vegetation Removal		
PERMIT TRIGGERS	Clause 35.07 - Farming Zone – use, and buildings and works Clause 52.05 - Signs - business identification sign Clause 52.17 - Native Vegetation - removal		
TRIGGER FOR DETERMINATION BY COMMITTEE	Submission on Planning Application to Minister of Planning		
ZONE	Farming Zone	OVERLAYS	Nil
	Note: Vegetation Protection Overlay, Schedule 2 (VPO2 - Roadside Vegetation) impacts Rattrays Road (parallel to the western boundary)		
COVENANTS	None		
CULTURAL HERITAGE	A Cultural Heritage Management Plan (CHMP 17837) has been prepared and approved by Eastern Maar Aboriginal Corporation for the proposed activity.		
OFFICER	Bláithín Butler	CEO	Anne Howard
DIVISION	Planning and Strategic Focus		
ATTACHMENTS	1. Colac Quarry, Northern Development Area - Plans [7.2.1 - 9 pages]		

Cr Schram declared a conflict of interest pursuant to Section 127 of the Local Government Act 2020 and left the meeting at 4.06pm and did not return.

Cr Schram	Item 7.2	Material	Company is employed by the quarry.
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RECOMMENDATION

That the Planning Committee:

1. *Acknowledges the opportunity provided to have input into the decision-making process.*
2. *Requests that the applicant be required to update reports and ensure information is directly related to the current proposal.*
3. *Requests that both the hours of operation and truck movement increases be clarified in the context of different hours being in place for the existing quarry south of Ondit – Warrion Road.*
4. *Provides the following comments based on the information submitted to date:*

INFRASTRUCTURE

- a) *In the event a permit is issued, the intersection of Ondit-Warrion Road, Potters Road and Rattrays Road would need upgrading due to severe crocodile cracking, which would worsen with increased traffic from the proposed quarry expansion.*
- b) *Council's preference is for Potters Road to be reconstructed, as some sections of the road have ruts and cracking. If the road is not to be reconstructed, Council considers that a Geotechnical report must be provided to assess the road's residual strength to ensure it could handle the additional truck traffic.*
- c) *Traffic Impact Assessment:*
 - i. *The report does not include safety assessment of the intersection of Ondit-Warrion Road, Rattrays Road and Potters Road, in terms of possible see through effects and any treatments required to minimise crash risk.*
 - ii. *An actual traffic survey has not been conducted. Instead, a growth factor has been applied to a traffic survey conducted in 2005.*
 - iii. *The Annual Average Daily Traffic flow (AADT) in Table 2 of the Traffic Impact Assessment stops at 2020.*

- iv. *The traffic assessment should include an assessment of the Ballarat Road intersection. Turn lane warrants assessment in addition to a SIDRA analysis.*
- d) *A Stormwater Management Plan has not been provided. Such a plan should show how stormwater within the site and any external catchments would be managed, stored and treated.*
- e) *A 6.2m wide seal with 1.5m shoulder on both sides of Rattrays Road to the Northern Development Area access point as per the Infrastructure Design Manual (IDM) adopted by Council (2019, Local Government Infrastructure Design Association, or as amended) for a Rural Collector Road (which is the highest classification for a rural road).*
- f) *The impact of blasting on the roads needs to be understood and should be addressed in the blasting report.*
- g) *Due to the additional truck movements proposed, the car park and compound area should be sealed.*

Water

- h) *The impacts on groundwater need to be properly understood and it is recommended that any report that considers such impacts be peer reviewed (as occurred for the basalt quarry at 320 Mooleric Road, which was the subject of an Advisory Committee Hearing)*

ECOLOGY/BIODIVERSITY

- i) *A new Flora and Fauna Assessment, and Corangamite Water Skink Targeted Survey, should be undertaken (noting that these were undertaken 4 years ago) and the latter, in particular, was over a very short period. It is also recommended that the Flora and Fauna Assessment be peer reviewed.*
- j) *The quantum of native vegetation removal and Corangamite Water Skink (CWS) habitat removal is substantial and could be reduced further by excluding the native vegetation patches and the rocky knolls (skink habitat in the north-eastern corner of the lot). This would also protect the cultural heritage values of the site (adjusting the boundary of Stage 3 and removing stage 4 altogether).*
- k) *All low and moderate quality habitat should be protected and enhanced, as habitat destruction is contributing to the loss of the CWS.*
- l) *The argument that this location is not close enough to permanent water to support a CWS population is questioned - refer to Corangamite Water Skink | VRO | Agriculture Victoria and Microsoft Word - CW Skink ESAI Final Report 2005.doc*

- m) The cumulative impact on CWS across the whole site should be addressed.*
- n) The Corangamite Water Skink habitat recreation should be placed within the NDA; not on the current quarry site.*

AMENITY

- o) The Site Environmental Management Plan referenced in the application needs to be provided.*
 - p) The Acoustic Report should be peer reviewed by a suitable qualified acoustic consultant.*
- 5. Council also considers that the dry stone walls located along the boundaries of the site should be protected and retained and be subject to a Conservation Management Plan.*
 - 6. Advises the Department of Transport and Planning, acting on behalf of the Minister of Planning, of the concerns raised by the community relating to:*
 - Damage to residence/s from blasting activities.*
 - Quarrying being proposed below the water table, and the risk to the proper functioning of underground aquifers.*
 - The hours of the quarry being proposed to extend to 10pm; occasions/hours of operation are ambiguous.*
 - Traffic increases and dust impacts along Potters Road and impacts on Ondit-Warrion Road.*
 - Quarry operator is not consistently responsive to concerns being raised and there is a constant need to go through Earth Resources Regulator to get information.*
 - Issues with public notice being given whilst Council was in caretaker mode.*
 - Uncertainty about the process; seems no opportunity for concerned residents to be heard in relation to their submissions and concerns.*
 - 7. Requests that Council be provided with copies of any additional or updated information and reports and also given the opportunity to submit further comments.*
 - 8. Requests that, in the event a permit is issued, consideration be given to imposing permit conditions relating to the following:*
 - Hours of operation*
 - Quantity of extraction*
 - Number of blast events per year*
 - Bore monitoring*
 - Creation of buffers to road and treatment of those buffer areas*
 - Road upgrades, including intersection of Ondit Warrion Road, Rattrays Road and Potters Road*
 - Site access*

- *Protection of boundary dry stone walls and provision of a Conservation Management Plan for their ongoing protection and maintenance.*
- *Truck movements*
- *The requirement for an agreement under section 173 of the Planning and Environment Act 1987 that imposes maintenance requirements on the quarry operator (as the roads and intersection would be primarily used by the quarry).*
- *Stormwater*
- *Vegetation (on site and roadside) and habitat protection*
- *CWS habitat creation and annual monitoring (s173 agreement)*
- *Dilapidation report/s for potentially affected residence/s that provides clear options on the cause of any structural damage, and requirement for monitoring and, if required, restitution works*
- *Landscaping*
- *Site management*

9. *In the event it is determined that a permit be issued, Council would welcome the opportunity to review and provide feedback on the draft permit conditions.*

RESOLUTION

Moved Cr Buchanan, Seconded Cr De Deugd

That Council moves the officer recommendation, amended to include the following additional matters under point 8.

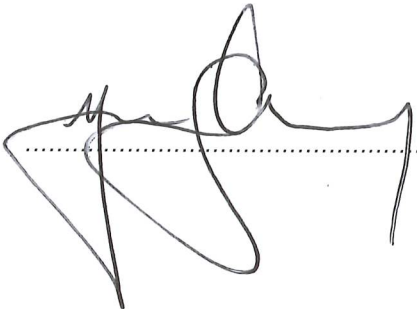
The amendments proposed relate to additional permit conditions being included in the event a permit is issued.

- *Fencing to be erected around the site inside the dry-stone walls, of appropriate height and materials to protect surrounding land and prevent access to the quarry by livestock.*
- *The provision of higher bunding along the western boundary to protect the nearest residence*
- *Consideration be given to grade separation at the intersection of Rattrays Road, Ondit Warrion Road and Potters Road, to avoid conflict between the additional quarry related vehicles and other road users.*

CARRIED 6 : 0

The meeting was declared closed at 4.10pm

CONFIRMED AND SIGNED at the meeting held on 11 February 2025.

.....MAYOR